

**Mid-Atlantic Harbor Porpoise Take Reduction Team**  
**January 13-14, 2000**

**Final Meeting Summary**

*This is a summary of the Harbor Porpoise TRT meeting held January 13-14, 2000. It is only a summary and should not be construed to represent all views of all parties on each item discussed. Time constraints limited parties from expressing all their concerns.*

prepared by

RESOLVE

Contact Robert Fisher at RESOLVE (202.965.6207) with questions.

**Mid-Atlantic Harbor Porpoise Take Reduction Team**  
**January 13-14, 2000**

**Final Meeting Summary**

The meeting of the Mid-Atlantic Harbor Porpoise Take Reduction Team (TRT) began with introductions of the participants (see Attachment A), and review and adoption of the meeting agenda (see Attachment B). Numerous documents were referred to and distributed during the meeting (see Attachment C for a list of documents used during presentations).<sup>1</sup>

The purpose of the meeting was to:

- present an overview of the existing regulatory requirements and what has happened since the rule implementing the Harbor Porpoise Take Reduction Plan went into effect
- discuss how the Plan is working and any concerns that members of the TRT have about what is not working, and
- reach consensus, where possible, on approaches to address those aspects of the Plan that are not working well.

Chris Mantzaris opened the meeting by commending the TRT for development of the Plan. He indicated that by-catch through the month of September was 16, although additional takes have been observed and it is not known whether the final annual by-catch will still be below PBR, and that NMFS was pleased with the reduced take.

**Consensus Recommendations**

The TRT reached consensus at the meeting on a number of recommendations. They are set forth on Attachment D. NMFS will notify the TRT of progress on the recommendations by letter that will be sent before the next meeting.

As part of the effort to reach consensus the TRT discussed the impact of the Plan on the striped bass fishery and a number of proposals to address the situation. The TRT was unable to reach consensus at the meeting on proposed changes to the Plan to address the striped bass fishery. The effort to develop consensus continued after the meeting, but the TRT did not reach consensus on a recommendation to deal with the striped bass fishery. The draft proposed Recommendation for the Virginia-North Carolina Striped Bass Fishery from the Mid-Atlantic Take Reduction Team is set forth on Attachment E.

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<sup>1</sup> The documents have not been attached to this Summary to avoid duplication and to facilitate electronic distribution of this Summary. However, the documents listed in Attachment C are necessary to fully understand what was discussed at the meeting. Copies of those documents may be obtained by contacting RESOLVE or Greg LaMontagne at the National Marine Fisheries Service at 978.281.9291.

## Activities since the Last Meeting

***TRP Development and Implementation Schedule.*** NMFS is planning to hold a Mid-Atlantic TRT meeting back-to-back with a Gulf of Maine (GOM) TRT meeting in mid-summer 2000 to review PBR and by-catch and to discuss whether there should be changes to the rule implementing the plan. If so, NMFS would publish a proposed rule for the revised HPTRP in mid-September, and a final rule in mid-November. The revised rule would be effective January 1, 2001. The Marine Mammal Protection Act established a deadline of April 30, 2001 to reach a zero mortality rate goal.

***Proposed ESA Listing of Harbor Porpoise.*** NMFS determined that listing the harbor porpoise as threatened under the Endangered Species Act was not warranted due primarily to the proposed reductions in the Plan and withdrew the listing proposal. The harbor porpoise was kept on the ESA candidate species list. (See Federal Register Notices – 64 FR 465, and 480).

***CMC/HSUS Lawsuit.*** NMFS was sued by CMC and HSUS in August 1998 over failure to implement a plan to reduce PBR and to make the listing determination under the ESA. A settlement was reached in October 1998 and provided for, among other things, the following:

- the Plan become effective January 1, 1999
- use of pingers in the Gulf of Maine/Bay of Fundy will be phased-in, subject to availability, and training will be conducted on the use of pingers
- NMFS will make the listing determination under the ESA by January 4, 1999
- NMFS will conduct a biological status review of harbor porpoise and determine by March 31, 2000 whether the listing decisions should be revisited
- NMFS will make by-catch data available through the end of July 2001 and to provide information to the public on a quarterly basis.

Some members of the TRT expressed concerns about the impact of the lawsuit on the Plan. In response, NMFS acknowledged that the lawsuit affected the timing of implementing the Plan, and stated that it did not affect the substance of the Plan.

***Summary of By-catch for 1998 – August 1999.*** Dr. Debbie Palka, NMFS Northeast Fisheries Science Center in Woods Hole, MA (the Center), reported on the reduction in by-catch for 1998 (for the Mid-Atlantic region: 446 harbor porpoise, down from 572 in 1997) and January-August 1999 (53) and the total estimated by-catch from both the Gulf of Maine and Mid-Atlantic regions. (See “History of By-Catch Estimates of the GOM/BOF Harbor Porpoise Population”). The 1999 numbers are based on preliminary data and may change. Since August there were no new takes in the mid-Atlantic. Dr. Palka indicated that preliminary information showed that the reductions were due to a combination of the Plan and SFA.

Dr. Palka reported that the numbers for the Canadian gill net are based on actual numbers from the observer program and then extrapolated to the entire fishery, while the takes in the herring weir fishery are the actual numbers observed. The major reason for the decrease in Canada appears to be related to reduced effort and time for fishing based on quotas and the overall collapse of the fishery. Though pingers and more reflective nets probably have also contributed to the decrease.

***Bottlenose Dolphin Take Reduction Team.*** Diane Borggaard presented a tentative schedule for the Bottlenose Dolphin team. The take reduction team process is expected to begin in November 2000 after holding information sharing meetings and end with a final rule in December 2001. (See “Bottlenose Dolphin Take Reduction Team Proposed Timeline”). Meetings will be held in a central location, perhaps Virginia Beach. A TRT member questioned the timing of moving forward until the stock structure has been determined. In response, NMFS stated that the Southeast Fishery Science Center will be revising the abundance estimates, using genetic information to differentiate the in-shore population, and that PBR will probably increase.

#### Harbor Porpoise Take Reduction Plan Regulatory Elements

***Mid-Atlantic Coastal Gillnet Fishery, Plan Requirements.*** Greg LaMontagne reviewed the components of the Plan. He said that the Press Guide to the Final Rule Implementing the Plan, published by NMFS/NEFSC, contained a typographical error about mesh size for the Mid-Atlantic component of the Plan. On page 7 of the Press Guide, twine size for Mid-Atlantic waters was listed as applying to mesh size greater than 4 inches, instead of 5 inches as provided in the Rule. The deadline for net tagging as described in the Plan will be extended until May 1, 2000 to be in accord with the Monkfish management plan.

***Mid-Atlantic Coastal Gillnet Fishery, Compliance, Enforcement and Observer Activities.*** Generally, most fisheries are cooperating with the observer program. There were 18 refusals during the winter of 1999. In Wanchese, North Carolina approximately half of the fishers have refused to take observers. Fishers in Englehard, North Carolina also have refused to take observers. The refusals are being documented and forwarded to enforcement authorities. TRT members from North Carolina indicated that the refusals were not directed towards marine mammals. Instead, they arise from concerns among the fishers about the shutdown of the monkfish fishery and spiny-dog fishery and about observers measuring fin-fish (croakers and bluefish). A North Carolina fisher from Wanchese told the TRT that Wanchese fishers would comply with all requirements, but asked NMFS to leave out data for fish not covered by the Plan. Other fishers indicated that some boats are asked to carry observers more than others.

A meeting was held recently in North Carolina to address the concerns and problems. The State of North Carolina is actively pursuing getting information out and has sent to every commercial fisherman in Wanchese, which has resulted in additional registrations. NMFS has no plans for a follow-up meeting. NMFS will send a reminder of the requirements to registered commercial fishers and then turn refusals over to enforcement.

Two enforcement cases concerning refusals were opened in the past two years. One was closed due to insufficient information. This led to a discussion of what had to be established, and the nature of the necessary evidence, to bring an enforcement action. The TRT also discussed who was required to register under the MMPA, and some TRT members suggested that the Office of Protected Resources clarify the requirements.

The TRT adopted recommendations addressing non-compliance with the observer program and enforcement. See Attachment D.

***Northeast Sink Gillnet Fishery.*** Greg LaMontagne reviewed statutory requirements, and Robert Fisher briefly summarized the consensus recommendations reached by the Gulf of Maine TRT in December. (For a list of those recommendations, see the Meeting Summary from the Gulf of Maine TRT Meeting held on December 14-15, 1999.) The TRT discussed the use of pingers in the Gulf of Maine. There was 1 take on a pingered net during February in the S. Cape Cod closure region. Since August 1999, there were an additional 8 observed takes where 6 of the 8 animals were caught in pingered nets. Dr. Palka indicated that presently the Center does not have sufficient data to say how well pingers are working.

#### By-Catch- during 1998 and January-August 1999

The TRT reviewed the by-catch estimates and observed takes, as well as the methodology for calculating the by-catch estimates, which was presented by Marjorie Rossman of the Center. See the “Mid-Atlantic Harbor Porpoise By-catch.” The heading “Port of Other Ocean” on page 5 of the By-catch report is a reference to the Port of Long Beach. The differences in the two fisheries reported on page 3 of the By-catch report reflect stratification of the fisheries, and differences in landings by gear type. The by-catch from 1998 and 1999 were estimated separately for two fisheries. Questions raised included the relative abundance of harbor porpoise in different areas and year-to-year, avoidance of hot spots when observers are on board, and how well the Plan was working in New Jersey.

***Methodology for Calculating By-catch.*** The TRT questioned the use of tons of fish landed as the measure for “effort”, i.e., hauls, soak time, etc. The TRT was informed that the Gulf of Maine team recommended that NMFS look at using different measures of “effort.” Questions also were raised about the definition of the two terms used in the By-catch report to describe the “fisheries observed” -- bottom coastal gillnet fisheries, and coastal drift gillnet fisheries. The Center uses the term bottom coastal gillnet fisheries for Mid-Atlantic coastal sink gillnet fisheries, and the term coastal drift gillnet fisheries for Mid-Atlantic coastal drift net fisheries.

***Inshore and Other Small Mesh Fisheries.*** Some members of the TRT expressed frustration and anger that NMFS adopted a different approach in the final Rule than recommended by the TRT in the Plan and that NMFS did not consult with the TRT before changing the approach. The TRT in developing the proposed take reduction Plan focused specifically on the monkfish and dogfish fisheries. NMFS changed the approach to gear and mesh size, rather than by fishery, because of questions about the legal workability and enforceability of management measures specific to the two fisheries. NMFS established a regulatory scheme based on gear and mesh size to establish enforceable management measures and to address the intent expressed by the TRT in the Plan. Based on the comments it received about the proposed rule NMFS concluded that the proposed gear/mesh size approach met the intent of the TRT and the Plan goal of a 70% reduction in harbor porpoise takes. None of the comments on the proposed rule mentioned the potential effects of the mesh size on the shad fishery.

During the discussion about the impact of the Rule on inshore and small mesh fisheries concerns were raised about the following:

- some members of the TRT believe that NMFS agreed that small mesh fisheries would not be covered by the rule and that the Plan would not apply in “internal waters”
- negative impacts of the Rule on the shad fishery and the striped bass fishery
- different treatment for Delaware Bay and Chesapeake Bay,
- lack of observer coverage for the shad fishery, and
- the integrity of the take reduction team process.

NMFS explained the current situation for the shad fishery. In response to a request for a determination about the application of the Rule to the shad fishery, a NMFS enforcement attorney had issued an interpretation letter stating that the shad fishery was exempt from the small mesh size requirements. Although NMFS subsequently determined the interpretation was incorrect and the shad fishery is covered by the rule, NMFS did not implement the Rule last year, but will do so this year.

The TRT adopted recommendations addressing inshore and small mesh fisheries and the take reduction team process. See Attachment D.

***Log Book and Dealer Requirements.*** John Witzig of NMFS joined the meeting by phone and described the log book and dealer report requirements. Most reports are received on time or within a month or two of the deadlines. There are some problems with the data, such as incorrect or missing information and difficulty translating what was written. Other problems include the need to clarify the instructions about gear quantity and mesh size, reduce the number of missing longitude and latitude data (although loran readings are provided), and improve information on fish by-catch because these data fields are considered unreliable. Over the next year incomplete or incorrect reports will be returned for corrections. There is a backlog on auditing log book data -- 1994 is being audited, 1995 is partially done, and less data for more recent years has been audited so far. NMFS also is working with dealers to link log book and dealer reports.

A TRT member expressed concern about whether all landings were being captured. Observers only cover federal permit holders and boats operating in state waters, for example in North Carolina, are not included in the database. For North Carolina, the Center uses data from the State rather than dealer reports. Some members of the TRT also suggested dropping the requirement to report discards on the Vessel Trip Report.

Palka stated she was currently working on the abundance estimate of the Gulf of Maine/Bay of Fundy harbor porpoises that was based on the summer of 1999 sighting survey. Preliminary estimates indicate the abundance will not be below the mean abundance from the previous studies. Final estimates will be available in spring of 2000.

***Stock Structure.*** See the “Abundance Estimate of Gulf of Maine/Bay of Fundy harbor porpoise.” Four separate stocks of harbor porpoise have been identified – Newfoundland, Western Greenland, Bay of St. Lawrence and Bay of Fundy. The status of stocks, other than the Bay of Fundy stock, is unknown. The harbor porpoises stranded on Mid-Atlantic beaches appear to come from the GoM/BoF stock and other stocks. In the short-term this makes determining PBR somewhat more difficult and the Center will have to make assumptions about the other stocks. A question was raised about the interactions between harbor porpoise and bottlenose

dolphins, which may be related to the dolphins killing the porpoise. Additional research on stock structure and the implications is needed.

***Stranding Levels through 1999.*** See the “Overheads from David Potter” for information about strandings. The TRT discussed how to deal with strandings with evidence of human interaction in the by-catch estimate. In the past, strandings have not been included in with the by-catch. Although NMFS indicated that its policy had not changed, strandings may be included in the future. There are two ways to address strandings as part of by-catch, add into the by-catch estimate for a particular fishery or do not assign them to any particular fishery and assess strandings that have human interaction against PBR.

The TRT discussed whether differences in observer coverage could account for the strandings levels. A TRT member indicated that observers go to the areas with fishing and nets are set the night before the haul so it is impossible to “rig” the data and only observe nets without by-catch. Most by-catch marine mammals that are released back to the sea are tagged to avoid double counting. The goal for observer coverage depends on the by-catch rate, the fishery and the season. Generally, the program seeks 5% coverage. NMFS was requested to provide the TRT with an overlay showing observer coverage areas and strandings.

Questions also were raised about the relationship between fishery interaction (e.g. entanglement, lacerations, etc.) and strandings and the predictability of harbor porpoise populations of any given day. It was suggested that NMFS ask the fishing industry to bring in carcasses. A request also was made for data showing boat activity by homeport, which the Center is working on and will provide to the TRT.

***Results of Analysis of Gear Characteristics, Fishing Practices and Fish Catches.*** See the “Characteristics of hauls that had harbor porpoise by-catch.” One correction was noted on page 1 of the Characteristics report, there were 3 hauls, not 7, at twine size .90 in 1998. Questions about the information in this document should be directed to Dr. Palka.

***Observer Coverage.*** See the “1999 Mid-Atlantic Coastal Gillnet Fishery Landings and Percent of Observer Coverage.” The TRT also discussed the lack of observer coverage for recreational fisheries. The TRT adopted recommendations concerning the observer program and recreational fisheries. See Attachment D.

#### Upcoming Management Actions that may affect the Harbor Porpoise Take Reduction Plan

The TRT heard presentations on the status of and discussed future management actions that could affect the Plan, including the fishery management plans for multi-species, monkfish, dogfish, shad, bluefish, river herring, striped bass and skate. NMFS will make a status determination for listing barndoor skate under the ESA on March 4, 2000.

***Atlantic Large Whale Take Reduction Plan.*** There have been 6 entanglements in the past year and one whale died. NMFS will hold a meeting of the take reduction team soon. The team will consider closures, including how to close areas quickly when animals are present and then reopen quickly, changes to gear requirements, and improvements to the tagging system.

### Long-term Goals

***Zero Mortality Rate Goal.*** NMFS has not established the policy or the parameters yet for the zero rate mortality goal. NMFS is looking preliminarily at a goal approaching 10% of PBR.

***Alternative Methods to Reduce By-catch.*** Acoustically reflective netting is a possible alternative method. The Gulf of Maine TRT recommended that a test be conducted on the use of those nets. A tool also is needed to determine whether pingers are working. The Gulf of Maine TRT also recommended that a tool be developed.

### Operational Concerns

The TRT identified the following operational concerns:

- How mesh size is measured? The method for measuring mesh size is unclear.
- When mesh size is effective?
- Getting information into the field (HMS may be a model)
- Enforceability of tagging – use separate tags?

The meeting adjourned at 4:55 p.m.



Meeting Participants

## 2000 MID-ATLANTIC TAKE REDUCTION TEAM MEETING

January 13-14, 2000

Holiday Inn, Old Town Alexandria, VA  
Reservations: Phone: (703) 548-6300; Fax: (703) 684-7782

### REVISED DRAFT AGENDA

#### **Thursday, January 13 (9:00 -- 5:30)**

- 9:00 - 9:30 Welcome and Opening Remarks (*Chris Mantzaris*)
- Introductions (*Chris Mantzaris*)
  - Meeting Objectives (*Chris Mantzaris*)
  - Review and approval of agenda (*Robert Fisher*)
  - Preparation of report from this meeting (*Robert Fisher*)
- 9:30 - 10:30 Overview of Activities Since the Last Meeting
- The TRP development & implementation schedule (*Gregg LaMontagne*)
  - NMFS decision on proposed ESA listing (*Donna Wieting*)
  - Settlement agreement from CMC/HSUS lawsuit (*Chris Mantzaris*)
  - Summary of bycatch for 1998-1999 (*Debra Palka*)
  - Schedule for Bottlenose Dolphin Take Reduction Team (*Diane Borggaard*)
- 10:30 - 10:45 **Break**
- 10:45 - 12:30 Overview of HPTRP Regulatory Elements
- A. Mid-Atlantic coastal gillnet fishery (*Gregg LaMontagne*)
    - 1. Review of HPTRP requirements
      - a. Closures, net caps, and tagging, including the Delaware boundry
      - b. Mesh size requirements, including inshore small mesh shad fisheries
      - c. Twine size requirements
  - B. Northeast sink gillnet fishery
    - 1. Requirements under MMPA and Magnuson Act (*Gregg LaMontagne*)
    - 2. Recommendations of Gulf of Maine HPTRT from December meeting (*Robert Fisher*)
    - 3. Compliance
      - a. MMAP Registration (*Diane Borggaard*)

- b. MMPA Observer Requirements (*Diane Borggaard*)
- c. Observer activities (*Darryl Christensen*)
- d. Enforcement activities (*Bob Stone*)

12:30 - 1:30    **Lunch** (*on your own*)

- 1:30 - 5:15    Presentation and Discussion of 1998 and January-August 1999 Bycatch
- 1998 – 1999 Observer Coverage
    - GOM
    - Mid-Atlantic
  - 1998 – Jan thru August for 1999 Bycatch estimate
    - GOM
    - Mid Atlantic
  - Log book and dealer report requirements (*John Witzig*)
  - 1998-1999 stranding levels (*Dave Potter*)
    - what are the concerns?
    - how can the concerns be addressed?
    - proposals for possible recommendations from the TRT to NMFS
  - Inshore and other small mesh fisheries (*Chris Mantzaris*)
    - what are the concerns?
    - how can they be addressed?
    - proposals for possible recommendations from the TRT to NMFS
  - Results of analysis of gear characteristics, fishing practices, and fish catches associated with by-catch rates in both U.S. fisheries (*Debra Palka*)
  - Observed bycatch since July 1999 and Schedule for subsequent bycatch estimates (*Dave Potter*)
    - assessing the reasons
    - additional data to be developed and analyzed
  - Are we below PBR?

5:15 – 5:30    Summary and Wrap Up

5:30            **Adjourn for the day**

**Friday, January 14 (8:00 - 3:30)**

8:00 - 8:15    Review agenda

8:15 - 9:30    Continue Discussion of 1998 and January-August 1999 Bycatch

- 9:30 - 10:15    Overview and Discussion of Upcoming Management Actions that May Affect HPTRP
- Fishery management plan (FMP) restrictions (*Richard Seagraves*)
    1. Multispecies FMP
    2. Monkfish FMP

- 3. Dogfish FMP
- 4. Shad/Bluefish/Striped Bass (*Heather Stirratt*)
- Atlantic Large Whale TRP (*Chris Mantzaris*)

10:15 - 10:30 **Break**

- 10:30 - 11:15 Report on the Status of the GOM/BOF Harbor Porpoise Population
- Population estimate, minimum population size, and current PBR (*Debra Palka*)
  - Stock structure research (*Andy Read*)
  - Implications of stock structure issues (*Debra Palka*)

- 11:15 - 12:00 Overview and Discussion of the Long-term Goals of the HPTRP
- Zero Mortality Rate Goal (ZMRG) definition (*Donna Wieting*)
  - Discussion of alternative bycatch reduction methods (*Dave Potter*)

12:00 - 1:00 **Lunch** (*on your own*)

- 1:00 - 1:30 Other items
- Operational concerns from industry (*Gregg LaMontagne*)
  - Other

1:30 - 2:45 Discuss and agree, where possible, on proposed recommendations to NMFS

- 2:45 - 3:30 Next steps (*Robert Fisher*)
- Identify information needs for Year 2 of the HPTRP
    - Future meetings
      1. Frequency
      2. Communication between meetings
      3. Other

3:30 **Adjourn**

Mid-Atlantic Harbor Porpoise Take Reduction Team

Documents Used During Presentations at the from January 13-14, 2000 Meeting

Harbor Porpoise Take Reduction Plan Development and Implementation Timeline (December 13, 1999)

History of By-catch Estimates of the GOM/BOF Harbor Porpoise Population (December 14-15, 1999)

Bottlenose Dolphin Take Reduction Team Proposed Timeline

Mid-Atlantic Harbor Porpoise By-catch (Presented by Marjorie C. Rossman)

Abundance Estimates of Gulf of Maine/Bay of Fundy Harbor Porpoise (January 14-15, 2000)

Characteristics of hauls that had harbor porpoise by-catch (January 14-15, 2000)

1999 Mid-Atlantic Coastal Gillnet Fishery Landings and Percent Observer Coverage

Overheads from David Potter (August to December 1999)

Mid-Atlantic Harbor Porpoise Take Reduction Team

Consensus Recommendations from January 13-14, 2000 Meeting

1. Examine the observer program to determine if current levels and distribution of observer coverage are adequate to estimate by-catch to see where additional observer coverage is needed.
2. TRT acknowledge non-compliance with observer program compromises data collection and NMFS should pursue options to increase compliance, including: education programs, clarify elements of a violation, work with states to increase registrations, and clarify statutory intent to facilitate enforcement.
3. All TRTs should meet during the NMFS review process to comment as a team on a proposed rule. A representative from the NMFS Office of General Council should participate in the meeting.

Rationale for recommendation: determine which elements, if any, of the proposed rule do not meet the consensus recommendations.

4. NMFS should adjust the Delaware Bay line to run from the – Cape May Canal to Lewes Ferry terminal. NMFS should endeavor to put observers in gillnet fisheries to recognize strandings that have take place in Delaware and Chesapeake Bays.

Rationale for recommendation: Delaware Bay is the only bay included [under the Rule], [with] similar characteristics to Chesapeake Bay which is not included, and [this change] is consistent with and meets the intent [of] TRT discussion not to include internal waters in the Plan.

5. Redefine “small mesh fishery” as – greater 5.5” to less than 7”.

Rationale for recommendation: To address the shad fishery.

6. TRT recommends that the fishing industry pursue possible mitigation strategies for harbor porpoise and bottlenose dolphin, including: automatic deterrent devices and reflective gillnets, and NMFS provide technical advice for such efforts. NMFS will work cooperatively with industry to pursue funding.

Rationale for recommendation: (1) Mitigation strategies (e.g. acoustic deterrents) are effective for reducing by-catch in other areas. Further mitigation strategies for effectively reducing by-catch are needed both for harbor porpoise and in anticipation of bottlenose dolphin TRT. (2) Do not want to divert resources from other programs.

7. NMFS and States should investigate options for quantifying interactions between recreational gear, such as recreational spot gillnet fishery in southern North Carolina, and harbor porpoise and bottlenose dolphin, and report at the next HPTRT.

Mid-Atlantic Harbor Porpoise Take Reduction Team

Non - Consensus Recommendations from January 13-14, 2000 Meeting

Draft Proposed Recommendation for the Virginia-North Carolina  
Striped Bass Fishery from the Mid-Atlantic Take Reduction Team

Recommendation:

The following gear and operational factors will be permitted in the coastal state waters of Virginia and North Carolina for the 2000 and 2001 fishing seasons in the directed striped bass fishery.

Sink gillnets must be less than or equal to 1200 feet in float line length, webbing twine diameter must be greater than or equal to 0.70mm, and all nets must not be left unattended for an overnight soak.

Notes: (1) The following restrictions are limited to coastal state waters, that is less than 3 nautical miles from shore or less than about 40 feet of water

(2) The prohibition on overnight soaks and the requirement for tending will result in soak durations of 12 or less hours.

(3) The 1200-ft. maximum float line length is consistent with VA regulations.

(4) Based on a review of sea sampling data by NMFS, it is not predicted that the aforementioned exceptions to the more restrictive TRP regulations will result in an increase in harbor porpoise takes.

(5) It is recognized that although the proposed consensus recommendations are intended for the directed striped bass fishery, there is no way to ensure gillnet fishermen will not capture dog fish while fishing under these circumstances.